

Senate Engrossed House Bill

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

CHAPTER 81

HOUSE BILL 2487

AN ACT

REPEALING SECTION 41-3007.01, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 27, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-3012.17; AMENDING SECTIONS 49-202.01, 49-247 AND 49-248, ARIZONA REVISED STATUTES; RELATING TO THE AGRICULTURAL BEST MANAGEMENT PRACTICES ADVISORY COMMITTEE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Repeal

3 Section 41-3007.01, Arizona Revised Statutes, is repealed.

4 Sec. 2. Title 41, chapter 27, article 2, Arizona Revised Statutes, is
5 amended by adding section 41-3012.17, to read:

6 41-3012.17. Agricultural best management practices advisory
7 committee; termination July 1, 2012

8 A. THE AGRICULTURAL BEST MANAGEMENT PRACTICES ADVISORY COMMITTEE
9 TERMINATES ON JULY 1, 2012.

10 B. SECTION 49-248 IS REPEALED ON JANUARY 1, 2013.

11 Sec. 3. Section 49-202.01, Arizona Revised Statutes, is amended to
12 read:

13 49-202.01. Surface water quality general grazing permit; best
14 management practices for grazing activities;
15 definition

16 A. As part of the duties established pursuant to section 49-203,
17 subsection A, paragraph 3, the director shall implement a surface water
18 quality general grazing permit consisting of voluntary best management
19 practices for grazing activities. The implementation shall begin within one
20 hundred eighty days after rule adoption by the ~~grazing~~ AGRICULTURAL best
21 management practices advisory committee established pursuant to section
22 ~~49-202.02~~ 49-248.

23 B. The terms and conditions of the surface water quality general
24 grazing permit shall be voluntary best management practices which have been
25 determined by the committee to be the most practical and effective means of
26 reducing or preventing the nonpoint source discharge of pollutants into
27 navigable waters by grazing activities.

28 C. In adopting voluntary grazing best management practices,
29 the committee shall consider:

30 1. The availability and effectiveness of alternative technologies.

31 2. The economic and social impacts of alternative technologies on
32 grazing and associated industries.

33 3. The institutional considerations of alternative technologies.

34 4. The potential nature and severity of discharges from grazing
35 activities and their effect on navigable waters.

36 D. For purposes of this section, "grazing activities" means the
37 feeding of all classes of domestic ruminant and nonruminant animals upon
38 grasses, forbs and shrubs in Arizona watersheds.

39 Sec. 4. Section 49-247, Arizona Revised Statutes, is amended to read:

40 49-247. Agricultural general permits; best management practices
41 for regulated agricultural activities

42 A. The director shall adopt by rule pursuant to the requirements of
43 this section, agricultural general permits consisting of best management
44 practices for regulated agricultural activities. Agricultural general
45 permits are not subject to section 49-245 or 49-246. Except as provided in

1 subsection G of this section, a person is not required to obtain an
2 individual permit for a regulated agricultural activity.

3 B. The terms and conditions of agricultural general permits adopted
4 pursuant to this section shall be agricultural best management practices
5 which have been determined by the director to be the most practical and
6 effective means of reducing or preventing the discharge of pollutants by
7 regulated agricultural activities. Agricultural best management practices
8 may vary within the state, according to regional and hydrogeologic
9 conditions. The director may waive the use of best management practices in a
10 designated region if ~~he~~ THE DIRECTOR determines that existing regulated
11 agricultural activities will not cause or contribute to a violation of the
12 adopted water quality standards.

13 C. ~~Not later than July 1, 1989,~~ The director shall adopt, by rule,
14 agricultural best management practices, and in doing so shall consider any
15 recommendation of the agricultural best management practices advisory
16 ~~committees~~ COMMITTEE established under section 49-248.

17 D. In adopting agricultural best management practices, the director
18 shall consider:

19 1. The availability, the effectiveness and the economic and
20 institutional considerations of alternative technologies.

21 2. The potential nature and severity of discharges from regulated
22 agricultural activities and their effect on public health and the
23 environment.

24 E. In adopting best management practices for regulated agricultural
25 activities, the director shall require the application of all economically
26 feasible best management practices which have been determined by the director
27 to be the most practical and effective means of reducing or preventing the
28 discharge of pollutants by regulated agricultural activities but shall not
29 require application of more stringent practices if such a requirement would
30 result in cessation of the regulated activity.

31 F. Compliance with best management practices adopted pursuant to this
32 section constitutes compliance with this article.

33 G. If the director, after providing a person with notice and an
34 opportunity for a hearing determines that the person has violated the
35 applicable best management practices, the director may revoke the
36 agricultural general permit for that person and require that the person
37 obtain a permit pursuant to section 49-241.

38 H. The director may periodically reexamine, evaluate and propose any
39 modification to or waiver of agricultural best management practices necessary
40 to meet the requirements of this article after considering any recommendation
41 submitted by the advisory ~~committees~~ COMMITTEE established under section
42 49-248.

1 Sec. 5. Section 49-248, Arizona Revised Statutes, is amended to read:
2 49-248. Agricultural best management practices advisory
3 committee

4 A. ~~Two~~ THE agricultural best management practices advisory committees
5 are COMMITTEE IS established, ~~one to develop and recommend best management~~
6 practices for ~~applying nitrogen fertilizer and the other~~ GRAZING ACTIVITIES
7 AS DEFINED IN SECTION 49-202.01 AND to develop and recommend best management
8 practices for concentrated animal feeding operations. The directors, or the
9 directors' designees, from the department of environmental quality, the
10 Arizona department of agriculture and the department of water resources and
11 the dean of the college of agriculture of the university of Arizona, or the
12 dean's designee, shall serve on both THE advisory committees COMMITTEE.

13 ~~B. The governor shall appoint seven members to the advisory committee~~
14 ~~on nitrogen fertilizer as follows:~~

- 15 ~~1. One person actively engaged in the production of citrus.~~
16 ~~2. One person actively engaged in the production of vegetables.~~
17 ~~3. One person actively engaged in the production of cotton.~~
18 ~~4. One person actively engaged in the production of alfalfa.~~
19 ~~5. One person actively engaged in the production of grain.~~
20 ~~6. One hydrologist from the university of Arizona college of~~
21 ~~agriculture.~~

22 ~~7. One person representing an irrigation district.~~
23 ~~6. B. The governor shall appoint eight TEN members to the advisory~~
24 ~~committee on concentrated animal feeding operations as follows:~~

- 25 1. Two persons WHO ARE actively engaged in dairying.
26 2. Two persons WHO ARE actively engaged in commercial livestock
27 operations.
28 3. One person WHO IS actively engaged in the production of swine.
29 4. One person WHO IS actively engaged in the production of poultry.
30 5. One hydrologist from the university of Arizona college of
31 agriculture.

32 6. TWO PERSONS WHO ARE ACTIVELY ENGAGED IN CATTLE GRAZING.
33 ~~6. 7. One person WHO IS actively engaged in the aquaculture industry~~
34 SHEEP GRAZING.

35 ~~D. C. Appointive members shall be appointed to terms of six years and~~
36 may be reappointed to one additional term. ~~No more than four appointive~~
37 ~~members of each advisory committee may belong to the same political party.~~
38 Members are not entitled to compensation for their services as such but are
39 entitled to reimbursement for expenses as provided by law for travel on, and
40 attending, official business. Each THE committee shall elect a chairman
41 CHAIRPERSON from among the appointive members to serve a two year term as
42 ~~chairman~~ CHAIRPERSON. The ~~chairman~~ CHAIRPERSON may be reelected. Each THE
43 committee shall meet on the call of its ~~chairman~~ CHAIRPERSON or at the
44 request of a majority of its appointive members. The department of
45 environmental quality, the Arizona department of agriculture, the department

1 of water resources and the college of agriculture of the university of
2 Arizona shall cooperate with, provide technical and expert assistance TO and
3 supply data and other necessary information to the advisory ~~committees~~
4 COMMITTEE. The department of environmental quality shall furnish necessary
5 staff support and meeting facilities to the advisory ~~committees~~ COMMITTEE.

6 ~~E.~~ D. The advisory ~~committees~~ COMMITTEE shall develop and recommend
7 to the director best management practices for discharges from a regulated
8 agricultural activity considering the requirements of section 49-247.

9 ~~F.~~ E. The advisory ~~committees~~ COMMITTEE may appear or be represented
10 at any administrative proceeding for adopting the agricultural best
11 management practices.

12 ~~G.~~ F. The advisory ~~committees~~ COMMITTEE shall periodically reexamine,
13 evaluate and propose any modification to agricultural best management
14 practices necessary to meet the requirements of this article. ~~AN~~ THE
15 advisory committee may recommend modifications to agricultural best
16 management practices at any time on its own initiative.

17 Sec. 6. Purpose

18 Pursuant to section 41-2955, subsection B, Arizona Revised Statutes,
19 the legislature continues the agricultural best practices management
20 committee for the purpose of making recommendations to the director of
21 environmental quality regarding the management of grazing activities and
22 concentrated animal feeding operations.

23 Sec. 7. Retroactivity

24 Sections 1, 2, 3, 4 and 5 of this act are effective retroactively to
25 July 1, 2007.

APPROVED BY THE GOVERNOR APRIL 16, 2007.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 16, 2007.